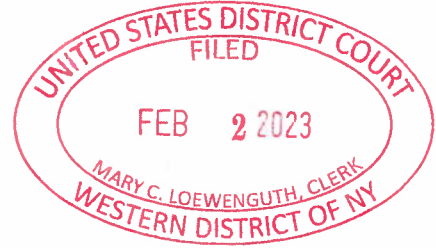


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---



UNITED STATES OF AMERICA,

v.

22-CR-174 (JLS) (HKS)

DEMONDE ALLEN,

Defendant.

---

**DECISION AND ORDER**

On February 1, 2023, Defendant Demonde Allen filed a motion seeking temporary release from pretrial custody for three days to attend the funeral services of his mother. Dkt. 14. Magistrate Judge Schroeder denied the motion via text order, *see* Dkt. 15, which Defendant has appealed, *see* Dkts. 16, 17.

For the reasons below, Defendant's motion is denied as requested—but granted in limited part as follows. To the extent that the motion may also be read to request USMS-accompanied transport from and to the jail and a brief, private funeral home viewing (attended solely by Defendant), and to the extent that Defendant pre-pays the attendant USMS costs therefor—by 5:00 p.m. today for Friday viewing, or by 2:00 p.m. Friday for Saturday viewing—it is granted. If Defendant seeks this relief, his counsel shall coordinate with USMS for the calculation and pre-payment as well as other logistics.

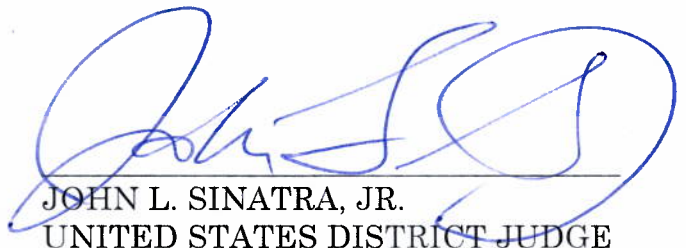
The Court denies Defendant's motion for release as requested in accordance with 18 U.S.C. § 3142(i) and 18 U.S.C. § 3145(b) for the following reasons. This Court has reviewed the Government's position as relayed by Defendant's motion,

the bail report, the arrest report, the complaint's affidavit, and the Indictment in this case. The requested temporary release of three days is not appropriate in light of Defendant's criminal history, history involving weapons, and history of flight and evading law enforcement. This Court is further mindful that Defendant is charged with serious weapons and narcotics charges, including one charge—possession of a firearm in furtherance of a drug trafficking crime—that carries a mandatory minimum sentence of five years upon conviction. Upon review of the submissions and above-mentioned documents, the Government has sustained its burden of persuasion of showing Defendant is a flight risk by a preponderance of the evidence, and that Defendant poses a danger to the community by clear and convincing evidence. While the Court has sympathy for Defendant, this Court is required to follow the statutes and balance the facts in Defendant's case with concerns about safety and the risk of non-appearance.

In sum, Judge Schroeder's order is affirmed, and the motion for temporary released denied, except as noted above.

SO ORDERED.

Dated: February 2, 2023  
Buffalo, New York



JOHN L. SINATRA, JR.  
UNITED STATES DISTRICT JUDGE